REMARKS

Reconsideration of the above referenced application in view of the following remarks is requested. Claims 1-8 and 27-36 remain in the application.

Claim Rejections – 35 USC § 102

Claims 1-4 and 27-30 are rejected under 35 U.S.C. 102(e) as being anticipated by Husak et al., US Patent Application Publication No. 2004/0260829 A1 (hereinafter Husak).

The Examiner cited paragraph [0199] of Husak as teaching the limitation of "discarding any partial sample block of the packet that remains after detecting an end of the packet," recited in claim 1. Applicants respectfully disagree. Even if assuming a packet recited in claim 1 is equivalent to a message disclosed in Husak and a block recited in claim 1 is equivalent to a packet disclosed in Husak, the cited portion of Husak does not disclose the above quoted limitation of claim 1. Husak discloses techniques used to determine whether to discard a packet or not to recover from periods of congestion, to avoid congestion, or to avoid becoming congestion (see paragraphs [0157-0161] of Husak. Husak further discloses four discard modes: non-message discard mode, early packet discard mode ("EPD"), partial packet discard mode ("PPD"), and modified partial packet discard mode ("MPPD"). See paragraphs [0186-0199] of Husak. Under any of these modes as disclosed, the decision to discard a packet is determined by traffic queue's discard configuration block 431 (details of which are disclosed in paragraphs [0202-0206] of Husak). The difference between

these modes is when the discard decision is made: when the descriptor for the first packet of the message is received (for EPD), when the descriptor of a middle packet of the message is received (the descriptor of the first packet has already been received and was not discarded) (for both PPD and MPPD). When a message is to be discarded, the entire packet is discarded; and no packet is partially discarded according to Husak (see paragraph [0199]). Additionally, the discard decision is not based on whether the end of a message is received and whether a packet received after the end of the message is received is partial or not.

In marked contrast, the limitation recited in claim 1 include at least these elements: detecting an end of the packet; determining that a sample block received after detecting the end of the packet is partial; and discarding the sample blocks received after detecting the end of the packet. When conditions described by all of these elements are met, the sample block is then discarded. Not all of these elements are disclosed in Husak as discussed above.

In the final Office Action of April 26, the Examiner responded to Applicants' above argument by pointing to paragraph [0199] of Husak. Particularly, the Examiner asserted, "The Modified Partial Packet (MPP) mode, cited in paragraph 199 of Husak, discloses a 'middle packet' (thus already having received a staring packet), having an EOM (end-of-message) flag that is used to reference where to start discarding packets from. The middle packet, being in a middle location within a larger message, is discarded along with the packets that are received thereafter thus only leaving the starting packet, thus anticipating the limitation 'discarding any partial sample block of the packet that remains after detecting an end of packet.'" Applicants respectfully

disagree. According to paragraph [0199] of Husak, "MPP is a special message discarding policy that is used in conjunction with packet reassembly. In reassembly, all of the descriptors that correspond to packets that make up a multi-packet message are held in TMC 203 until the last packet for the message is received and are then output in a burst to DCP 202, which assembles the packets represented by the burst of descriptors into a <u>single packet</u>.... In MPPD, the descriptor for the 'middle packet" that is being discarded not only has EOM flag 705 set, but also type filed 703 set to indicate that it is a discard of a middle packet. <u>The descriptor for the middle packet is then placed in the traffic queue 204 in which the message is to be reassembled</u>. The remainder of the descriptors for the packets of the message, including the last packet of the message, are discarded. ... <u>When the channel processor encounters the descriptor with the EOM flag and the middle packet discard indication, it discards the single packet with the reassembled payload</u>" (emphases added).

Based on paragraph [0199] of Husak, which is partially quoted above, when a middle packet with EOM flag and middle packet discard indication is detected, all packets received before the middle packet including the middle packet is reassembled into a single packet which is then discarded by the channel processor. In other words, what are discarded are not packets received after the EOM is detected, but before the EOM is detected. This represents one key difference from what is claimed in claim 1, which discards any partial packet received after the end of the packet is detected. Thus, Husak does not anticipate claim 1, as asserted by the Examiner. Accordingly, any claims that depend therefrom (i.e., claims 2-8) is not anticipated by Husak either.

Claim 27 recited limitations similar to those recited in claim 1. Because Husak does not disclose all of the limitations recited in claim 27 (e.g., the limitation of "discarding any partial sample block of the packet that remains after detecting an end of the packet" of claim 27 is not taught or suggested by Husak), claim 27 is not anticipated by Husak. Accordingly, any claim that depend therefrom (i.e., claims 28-34) is not anticipated by Husak either. Applicants respectfully request that the 35 U.S.C. § 102 rejections of claims 1-4 and 27-30 over Husak be withdrawn.

Claim Rejections – 35 USC § 103

Claims 7 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Husak in view of Assa et al. (US Patent Publication No. 2002/0018474 A1) (hereinafter Assa).

Claims 8 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Husak in view of Smith et al. (US Patent No. 6,747,977) (hereinafter Smith).

As presented above in overcoming the 35 U.S.C. § 102 rejections of claim 1 and 27, Husak does not teach or suggest the limitation of "discarding any partial sample block of the packet that remains after detecting an end of the packet" recited in these claims. Husak is the only reference cited in teaching this limitation. Smith was not cited to cure the deficiencies of Husak. Thus, the combination of Husak and Assa does not teach or suggest all of the limitations recited in claims 7 and 33; and the combination of Husak and Smith does not teach or suggest all of the limitations recited in claims 8 and 34. Claims 7-8 and 33-34 are patentable over the combination of the cited references.

Applicants respectfully request that the 35 U.S.C. § 103 rejections of these claims be withdrawn.

CONCLUSION

In view of the foregoing, it is respectfully asserted that all of the claims pending in this patent application are in condition for allowance.   If the Examiner has any questions, the Examiner is invited to contact the undersigned at (503) 264-1700.   Early issuance of a Notice of Allowance is respectfully requested.

Respectfully submitted,

Date: July 26, 2007

/Guojun Zhou/Registration No. 56,478/
Guojun Zhou
Registration No. 56,478
Intel Corporation
M/S: JF3-147
2111 NE 25th Ave
Hillsboro, OR 97124
(503) 264-1700